**THE HON'BLE SRI JUSTICE C.V. RAMULU**

Monday, 31st day of December,2007

**W.P.No.12884 of 2007**

Between:-

Y. Rajendra & others … Petitioners

and

Eastern Power Distribution Company of A.P. Ltd.,
Tadepalligudem, West Godavari
District, rep. by its Divisional
Electrical Engineer, Operation
Division and others … Respondents

**THE HON'BLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION No.12884 of 2007**

**ORDER:**

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in refusing the candidature of the petitioners for provisional appointment to the post of Junior Lineman on the ground that their I.T.I. Electrical qualification is not under the National Council for Training in Vocational Trades (N.C.T.V.T.) pattern as arbitrary and illegal and consequently to direct the respondents to forthwith reinstate the petitioners as Junior Lineman with effect from the date of refusal of their candidature for provisional appointment to the said post with all consequential benefits.

According to the petitioners, they have passed S.S.C. and I.T.I. (Electrical Trade) from Sri Lakshmi Memorial Industrial Training Centre, Penumantra, West Godavari District – 7th respondent herein. They were engaged as Shift Operators with the former contractors of the erstwhile Andhra Pradesh State Electricity Board. They had put in service upto 10 years and worked under the control of the 4th respondent in various places of West Godavari District. In the year 2006, regular recruitment had taken place for the post of Junior Lineman (YCB). All the petitioners were interviewed and were subjected to pole climbing test also. All of them were successful and selected to the post of Junior Lineman. They were also given posting orders by the respective Divisional Electrical Engineers (respondents

1 to 3). In fact, according to the petitioners, they all joined as Junior Lineman on 16-1-2007 and discharging their duties. While that being so, appointment orders were kept in abeyance on 2-2-2007 and sent the I.T.I. certificates held by them to the Director of Technical Education – 5th respondent – for verification of their genuineness. Respondent No.5 did not comment anything adversely regarding the genuineness of the certificates, but advised respondents 1 to 3 to contact the Director of Employment and Training, Andhra Pradesh – 6th respondent - with regard to equivalency of Industrial School Leaving Certificate (I.S.L.C.) with that of I.T.I. certificate. Thereafter, it appears, 6th respondent informed respondents 1 to 3 that the I.T.I. certificates are not equivalent to N.C.T.V.T. pattern. Subsequently, respondents 1 to 3 passed various orders on 17-4-2007 refusing the candidature of the petitioners for provisional appointment to the post of Junior Lineman (Y.C.B.) on the ground that ITI certificates possessed by them are not recognized under N.C.T.V.T. pattern. The respondents cannot expect from them to produce N.C.T.V.T. pattern certificate, when their ITI certificates are recognized by the 5th respondent, who is the authority concerned in this regard and moreover, State Government has already given a clarification that ISLC is equivalent to ITI certificate awarded under N.C.T.V.T. pattern; therefore, the rejection of their candidature for appointment to the post of Junior Lineman is arbitrary and illegal.

A detailed counter affidavit is filed on behalf of respondents 1 to 4 denying the allegations made by the petitioner. It is stated that Eastern Power Distribution Company Limited, Andhra Pradesh, has taken a decision to appoint Junior Linemen on contract basis and notified 349 posts under Eluru Operation Circle. A notification dated 3-10-2006 was issued calling for applications from eligible candidates.

After receipt of applications, call letters were sent to the candidates to appear for test and interview on 29-12-2006 and 30-12-2006. A provisional selection list was prepared and candidates selected were asked to produce relevant certificates and provisional appointment orders dated 8-1-2007/9-1-2007 were given to the candidates by the respective Divisional Engineers based on counselling of the candidates. It was clearly mentioned in the provisional appointment orders that the appointments were subject to verification of genuineness of the certificates. Petitioners produced I.T.I. certificates issued by the 7th respondent-Institute. Doubts were expressed with regard to the genuineness of the certificates produced by the candidates, both in the Press and also through anonymous calls. Therefore, the certificates of the petitioners were sent for verification to the 5th respondent and the appointment orders were kept in abeyance by an Order dated 2-2-2007. Respondent No.5 replied by letters dated 23-2-2007 and 15-3-2007 stating that the countersigning on the certificates issued by the Management is dispensed with and asked to get the clarification from the concerned Management and further advised to approach the 6th respondent, who is dealing with the subject, regarding equivalency of ISLC with that of ITI certificate. On the letters of respondents 1 to 3, the 6th respondent clarified that the ITI certificates are not equivalent to N.C.T.V.T. pattern. On the basis of this clarification, appointment orders, which were kept in abeyance, were cancelled by an Order dated 7-4-2007. The Orders passed by respondents 1 to 3 are quite legal and valid. When there was an ambiguity with regard to the relevant certificates, the concerned authorities clarified as to the genuineness of the certificates and certified that those certificates were not equivalent to

N.C.T.V.T. pattern and not recognized under NCVT pattern of ITI course and not issued by that Department. Hence, the certificates of the petitioners are invalid. Therefore, respondents 1 to 3 have no other option except to cancel the appointment orders.

During the course of arguments, it was felt that respondents 5 to 7 also shall be made parties to the Writ Petition so that they can file counters and explain as to the ground position i.e. whether the ITI certificates held by the petitioners are equivalent to N.C.T.V.T. pattern and whether such certificates are recognized in the State of Andhra Pradesh or not.

Respondent No.5, though did not file a counter in this case, but in the identical case i.e. Writ Petition No.12883 of 2007 filed a counter stating that the Industrial Training Schools were intended to impart training to Scheduled Caste, Scheduled Tribe and Economically Backward Class students in the recognized Trades. Every year, recognition was accorded to these Industrial Schools to impart training in the recognized courses. After successful completion of training in the Trades, these Industrial Schools used to conduct examinations and award certificates to the passed out candidates in their respective Trades in the shape of Industrial School Leaving Certificates, getting them countersigned by the Director of Technical Education. However, subsequently, since there was no control over the conduct of examinations and management etc., Government issued instructions vide their Memo No.1020/TE.01/81-2, LEN&TE (TE1) Department, dated 22-8-1981 dispensing with the practice of countersigning the ISLCs by the Director of Technical Education with immediate effect. Accordingly, the managements of Industrial Schools were informed vide Office Circular Memo No.H5/6116/81, dated 5-9-1981 that the practice of countersigning the ISLCs by the Director of Technical

Education is dispensed with and the managements themselves would be wholly responsible for conducting the examinations properly and issue certificates to the successful candidates in future. When the certificates held by the petitioners were referred to the 6th respondent by the 1st respondent, the above position was informed to the 1st respondent vide Office letter No.11/2142/07, dated 15-3-007. Further, with regard to equivalency of ISLC with that of ITI certificate, the 1st respondent was advised to approach the 6th respondent, since the 5th respondent was dealing with the subject of Engineering Education at Diploma level and the 6th respondent is dealing with ITI courses in the State. It is also stated that for the ISLCs issued by the Managements beyond 1981 i.e. after issuance of Government Memo No.1020/TE1/81-,LEN&TE (TE.01) Department, dated 22-8-1981, 5th respondent was not countersigning the ISLCs.

Likewise, the 6th respondent-Director of Employment and Training, Andhra Pradesh, Hyderabad also filed a counter, whereunder it is stated that the ISLCs are issued by the 7th respondent-Institute, which is under the control of 5th respondent. Further, ISLCs are not equivalent to ITI certificates under the pattern of National Council for Vocational Trades. Petitioners have not appeared for the ITI examination conducted under the authority of NCTVT by the Director General of Employment and Training, New Delhi. Petitioners themselves have stated that the certificates issued to them were recognized by the 5th respondent. The ISLCs were being countersigned by 5th respondent-Director of Technical Education till 1981, but the same has been dispensed with from 22-8-1981 as per Governmental Orders. As such, the equivalency

status stated to have been issued by the Department in Lr.No.D3/431711/70, automatically stands withdrawn from the date of dispensing with the practice of conducting examinations and countersigning by the Director of Technical Education.

Respondent No.7-Sri Lakshmi Memorial Industrial Training Centre, Penumantra, West Godavari District filed a separate counter stating that the ISLCs issued by it under the supervision of the 5th respondent are held equivalent to those of N.C.T.V.T. pattern by the Director of Employment and Training for the purpose of Government service in the State Government. The students of its Institute are employed in Government, Public Sector and other private sector industries. Many of them are even working in abroad. The A.P. Transco authorities without trying to elicit the different patterns of ITI institutions under the Director of Technical Education and the Director of Employment and Training and without acquainting themselves with the type of ITI courses available in the State of Andhra Pradesh, created confusion among themselves resulting in injustice to the petitioners. The petitioners prosecuted their respective ITI courses in its Institution and their certificates are very much valid. The A.P. Transco authorities cannot refuse employment to the petitioners on the ground that these certificates are not in N.C.T.V.T. pattern. It is further stated that the certificates held by the petitioners in the ISLC pattern are those recognized by the Government of Andhra Pradesh through the Director of Technical Education. Moreover, according to the 6th respondent, they are equivalent to N.C.T.V.T. pattern. When this position is clear, it is very unfortunate as to why Transco authorities are not in a position to appreciate the same. Even the 6th respondent in his counter stated that ISLCs are issued under the control of Director of Technical Education-5th respondent. It is the Director of Technical

Education, who had made the management of the institutions responsible for issuance of certificates. In this regard, various letters issued by the 5th respondent and also the 6th respondent were extracted in the counter and the same were also reflected in the counters of respondents 5 and 6.

Heard all the learned counsel for the parties.

The facts are not much in dispute. It is admitted that the petitioners obtained Industrial School Leaving Certificates from the 7th respondent-institution, which is recognized by the Government of Andhra Pradesh. The recognition enjoyed by the 7th respondent is also not in dispute. It appears, ISLCs issued by the 7th respondent, are recognized by the Government of Andhra Pradesh. However, for the purpose of N.C.T.V.T. pattern one has to do apprenticeship and get a certificate of ITI (National Trade Certificate) for the purpose of obtaining employment outside the State of Andhra Pradesh. Insofar as the State of A.P. is concerned, ISLC is sufficient for getting employment. Governmental instructions issued in this regard may be necessary to be noticed. The Memo dated 5-9-1981 issued by the Director of Technical Education, Hyderabad reads as under:

> "The Correspondents of Industrial Schools mentioned in the annexure are informed that the practice of countersigning the certificates of students of I.S.L.Cs, who are passed out from private managements is dispensed with and such I.S.L.Cs will not be countersigned by the Director of Technical Education in future and the managements themselves will be wholly responsible for conducting the examinations properly and issuing the certificates in future as per the Government instructions contained in the reference cited.
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> 2. The pending ISLCs will be countersigned by Sri C.M.Azmathullah, Asst.Director of this Office."

It is also relevant to notice the letter dated 7-10-1970 issued by the Director of Employment and Training, Andhra Pradesh, Hyderabad to the Training Officer, A.P. State Road Transport Corporation, Hyderabad, which reads as under:

> "**With reference to your letter cited, I am to state that the Industrial School Leaving Certificate (I.S.L.C.) is an equivalent one to that of Industrial Training Institute Certificates awarded by the National Council for Training in Vocational Trades (N.C.T.V.T.) for the purposes of Government Service in State Government. However, the Industrial School Leaving Certificate (I.S.L.C.) holders are not eligible for apprenticeship under the Apprenticeship Act of 1961**."

The Order dated 28-11-1990 issued by the Commissioner and Director of Technical Education, Andhra Pradesh, Hyderabad to the 7th respondent-institute reads as under:

> "Under the provisions of the Code of Regulations for Industrial Schools – the Commissioner and Director of Technical Education, A.P., Hyderabad, is pleased to extend temporary recognition to the Sri Lakshmi Memorial ITI, Penumantra, W.G. District, for the period i.e. 01.07.1990 to 30.06.1991 to impart training in (1) Tailing and Embriodary 2 years course lower and higher with 24 students (2) Radio and T.V. 2 years with 36 students (3) Electrician 2 years course with 34 students (4) Motor Mechanism 2 years course with 32 students (5) Welding 1 year course with 20 students.
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> 2. The Management should run the schools subject to the rules and regulations laid down in the code and as may be prescribed by this department from time to time in all matters.
>
> 3. The Management should not approach this department for any financial assistance."

From the above communication, it is clear that the Industrial School Leaving Certificate is equivalent to that of Industrial Training Institute Certificate awarded by the NCTVT for the purpose of employment and service in the State Government. However, ISLC holders are not eligible for apprenticeship under the Apprenticeship Act,1961. Thus, though the ISLC cannot be equated to that of a

National Trade Certificate (N.C.T.V.T. pattern), it is a certificate equivalent to ITI certificate for the purpose of Government service in the State of Andhra Pradesh and the 7th respondent-Institute, which is a recognized, had issued the certificates. There is no necessity of countersigning the said certificates by the 5th respondent-Director of Technical Education. Therefore, the contention of respondents 1 to 4 that the ISLC issued by the 7th respondent is not equivalent to ITI certificate cannot be countenanced. May be, it is not equivalent to N.C.T.V.T. pattern (National Trade Certificate) under which a student is also entitled for apprenticeship course etc., under the Apprenticeship Act, but the course, as such, is recognized as equivalent to ITI by the State Government. Various letters, as noticed above, issued by respondents 5 and 6 also would indicate that the certificates issued by the 7th respondent-institute are not only genuine, but also equivalent to ITI certificates for the purpose of obtaining Government employment in the State of A.P. Further, it is also not disputed that the students of 7th respondent-institute were selected and appointed in various Departments of Government and Corporations in the State of Andhra Pradesh treating ISLCs as equivalent to ITI certificates.

In view of the above, the action of respondents 1 to 4 in keeping the appointments of petitioners in abeyance and thereafter cancelling them is arbitrary and illegal and as such, the impugned Orders are set aside. In the result, respondents 1 to 4 are directed to reinstate the petitioners into service forthwith, with continuity of service, but without any back wages.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

31-12-2007

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